



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,973	06/09/2005	Klaus Ringger	10191/3714	6449
26646	7590	01/31/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			TO, TUAN C	
			ART UNIT	PAPER NUMBER
			3663	
DATE MAILED: 01/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3663

DETAILED ACTION

Claim Objections

Claims 11-20 are objected to because of the following informalities: in claim 11, the applicant recited "the additional module", however, there is just only one module which a logic module. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 11-13, and 17-20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Ueda et al. (US 5513878A).

With respect to claim 11, the U.S. reference to Ueda et al. a protective device for a vehicle (Ueda et al., figure 2) comprising the following: a switch deactivated the protective device (Ueda et al., figure 2, switch 71), a processor (Ueda et al., figure 2, processor 2A), and a module having at least one logic module, wherein a switch position is verifiable by the processor and by the

Art Unit: 3663

module independently from one another (Ueda et al., figure 2, OR gate 6; column 4, lines 47-50).

With regard to claim 12, Ueda et al. further disclose that the logic module is a logic OR gate (6) (see Ueda et al., figure 2, logic OR gate 6).

With regard to claim 13, Ueda et al. further disclose that the logic module (logic OR gate) is configured so that a time response of a logic state of the logic module (logic OR gate) is modifiable (Ueda et al., figure 2, logic OR gate is arranged to receive input from processor 2).

With regard to claim 17, Ueda et al. further disclose a control unit to power the switch (Ueda et al., figure 2, processing unit 4)

With regard to claim 18, Ueda et al. further disclose that the switch is powered from an external supply (Ueda et al, figure 2, switch powered from power supply 11).

With regard to claim 19, Ueda et al. further disclose that the logic state (high or low level) is allowed to be retained (Ueda et al., column 4, lines 47-55).

With regard to claim 20, Ueda et al. further disclose a triggering circuit control (Ueda et al., figure 2, squid 8), and an AND gate (7) connectible to the triggering circuit control (squid 8), wherein the module (logic OR gate) and the processor (2A) are connected to the AND gate (7) (Ueda et al., figure 2, AND gate 7).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the

Art Unit: 3663

patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 3663

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 5513878A) and in view of Baumgartner et al. (US 20040045760A1).

As set forth in this office action, Ueda et al. address the limitations as recited in claim 13, however, the processor disclosed in Ueda et al. does not modifies the time response.

The reference to Baumgartner et al. has been provided to overcome the missing features from Ueda et al. (Baumgartner et al., page 1, paragraph 0016, lines 1-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ueda et al. to include the teachings as taught by Baumgartner et al. in order to properly and effectively deploy a safety restraint while the vehicle is in a serious rollover or a positive impact.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 5513878A) and in view of Meister et al. (US 5570903A).

With respect to claim15, Ueda et al. discloses a switch, however, Ueda et al. do not disclose that the switch includes a resistor network and that the switch includes at least one Hall-effect sensor.

The reference to Meister et al. has been provided as teaching a safety device for a vehicle, wherein the switch includes a resistor network and that the

Art Unit: 3663

switch includes at least one Hall-effect sensor (Meister et al., column 3, lines 61-67).

Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ueda et al. to include the teachings as taught by Meister et al. in order to gain advantage therefore (i.e., prevent the passenger airbag is deployed when the passenger seat is unoccupied, also the airbag is controlled to be deactivated when the occupant seat is a rear facing-infant seat).

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

Art Unit: 3663

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

January 22, 2006